

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR.,)

Plaintiff,)

vs.)

ZELMER HYDEN and)
MEL HENRY,)

Defendants.)

Case No. A02-0214 CV (JKS)

DEPOSITION OF CHARLIE J. DAVIS JR.
Pages 1 through 203, Inclusive
Taken: Thursday, May 4, 2006
Place: Juneau, Alaska

Page 123

1 Q. And where was the night nurse?

2 A. The night nurse was mostly on the other
3 side. Palmer is divided into two sections, and the
4 one nurse handles both sections. He'll have --
5 spend so many hours on this section here and then
6 so many hours on this section here. But he passes
7 out the medicine at 8:00, five days out of the
8 week. The same thing about the day nurse. They
9 passed out medicine five days a week. And then
10 they are off two days a week. So you had the COs
11 passing out the medicine. So my contact with them
12 was within those five days a week.

13 MS. KAMM: And, I'm sorry, what
14 was his response? "I contacted them" --

15 A. I contacted the nurse whenever he was
16 working. And he only worked five days a week -- or
17 five nights a week.

18 Q. So what was the nurse's response, if
19 any?

20 A. Nothing -- he said nothing he could do.
21 He says -- nothing he could do. He was just
22 passing out the medicine. He was just a nurse. He
23 didn't go in my records and schedule me for
24 anything at all. But he was the one I got my dates
25 off of from -- I mean, my PT results. I had to go

Page 124

1 through him to get those so I could keep my record.

2 Q. So did you ever ask to be seen by
3 medical staff for these nosebleeds?

4 A. Yes.

5 Q. After that first time?

6 A. After the second time; the first time
7 at Lemon Creek, and then up there in Palmer.

8 Q. Right. And then you were seen in
9 Palmer?

10 A. And they gave me nose drops and said
11 that I was picking my nose.

12 Q. So did you ever -- is it your testimony
13 that you then never requested to see medical staff?

14 A. Not after -- not after that. It
15 wouldn't do me any good. He'd tell me the same
16 thing.

17 Q. And you never submitted another copout
18 reporting nosebleeds to Palmer?

19 A. I submitted my grievance.

20 Q. Okay. But in response to my question,
21 you never submitted another copout?

22 A. Not after I -- not after I filed my
23 grievance, I didn't submit no more copouts.

24 Q. Okay. You have got Exhibit 9 there
25 with your copouts, and you talked about another

Page 125

1 copout that you submitted to Palmer about your
2 nosebleeds. So there are, I believe, a couple
3 other copouts that you submitted, and that would be
4 prior to your grievance. What did those copouts
5 deal with?

6 A. Trying to find out what was -- about my
7 defibrillator. Nobody could answer any questions.

8 Q. And what were you asking in those
9 copouts?

10 A. How long -- how often should I get it
11 checked? How long is the batteries good for?

12 Q. Did you ever get a response to those
13 copouts?

14 A. No.

15 Q. Was your blood pressure checked at
16 Palmer?

17 A. Yes.

18 Q. And when was it checked?

19 A. When I first got up there, it was
20 checked almost every morning.

21 Q. And who checked it?

22 A. The day nurse.

23 Q. And how long was it checked daily?

24 A. For about two weeks.

25 Q. Did she tell you how your blood

Page 126

1 pressure was doing?

2 A. Yes.

3 Q. And what did she tell you?

4 A. It was high.

5 Q. Did she say anything else?

6 A. No.

7 Q. And was this the nurse who was passing
8 out medication?

9 A. On the day shift, yes. Not in Lemon
10 Creek. This is talking about Palmer.

11 Q. Now, eventually, at Palmer, you got to
12 keep some of those medications on your person,
13 didn't you?

14 A. Yes.

15 Q. And when did that happen?

16 A. About three weeks after I was up there.
17 I got to carry my aspirins, my blood pressure
18 pills, and my -- the only one I didn't have was the
19 Coumadin. I had to go through the line to get the
20 Coumadin.

21 Q. Okay. How often was your blood
22 pressure checked after those first two initial
23 weeks?

24 A. Not afterwards until that one night
25 that I was taken over to the clinic, or the

EXHIBIT H
PAGE 2 OF 3

33 (Pages 123 to 126)

Page 175

1 afraid you got some kind of disease or something or
2 other, and they are afraid, "Oh, I might get a drop
3 of blood on me." So your whole thing is not just
4 one little thing, it's a whole lot of things that
5 causes a lot of stress while you are in there.

6 Q. Okay. Then you also state you had
7 emotional distress. Have we already covered the
8 emotional distress?

9 A. Well, the emotional distress was that I
10 wasn't getting any results of it. To me, they
11 wouldn't give me the proper followup. To me,
12 that's a big stress for that person -- they come up
13 and say, "Hey, you got a real serious condition.
14 You are subject to kick over dead at any time. You
15 have to watch yourself."

16 That's something you just don't
17 throw over your shoulder and forget about. It
18 bears on you, and when you are put under stress --
19 which I should never have been put under that kind
20 of stress. I should never have been put in a
21 population that was pretrial. I should never have
22 been put into a rowdy section like Palmer, because
23 they didn't have no control of Palmer there. I
24 don't know if they ever gained control. They
25 didn't have enough staff to do it.

Page 176

1 Q. Was Palmer medium? Did that include
2 pretrial prisoners?

3 A. Yes.

4 Q. Did you only file the one grievance
5 while you were at Palmer?

6 A. Only one grievance, and only one
7 grievance appeal.

8 Q. And why didn't you submit any other
9 grievances?

10 A. Because they told me it wouldn't do me
11 any good.

12 Q. Who told you that?

13 A. The sergeant that interviewed me on my
14 grievance appeal and my grievance. He said,
15 "You're wasting your time. They are not going to
16 do anything. They are not going to make no
17 changes."

18 Q. And I think that we covered this
19 before, but even though you were having all these
20 symptoms, at some point you just decided not to
21 seek any more medical care from Palmer?

22 A. They flatly told me I was wasting my
23 time, that they weren't going to change anything.
24 They was going to do what they wanted to do.

25 Q. Who told you that?

Page 177

1 A. The CO that interviewed me on my
2 grievance and grievance appeal.

3 Q. But what about the medical staff?

4 A. I didn't see any medical staff except
5 that one PA that one time up there at Palmer. And
6 whenever he come up, it was just -- he interviewed
7 me on the grievance there. And, actually, he's the
8 one come up and saying, "You are picking your nose,
9 and it's causing your nosebleed."

10 And that there -- to me, that was
11 stupid of them, because I'm on Coumadin. I'm on
12 blood thinners and stuff like that. I have got
13 blood pressure spiking on me, and that's definitely
14 what caused my nosebleeds. But they just plain
15 ignored it.

16 Q. And if I remember your testimony
17 correctly, you didn't submit any copouts after you
18 submitted this last one in June?

19 A. I submitted a couple more, but they are
20 not in there.

21 Q. Well, we talked about --

22 A. The ones in Palmer. I said I had at
23 least three more in Palmer there, that I don't
24 remember -- that I know I got copies of them
25 somewhere, but I never seen it in their medical

Page 178

1 records.

2 MR. MATTHEWS: But her question
3 was timing on those copouts, whether or not you
4 submitted them after the grievance, I think.

5 A. Yes.

6 Q. And you did submit a grievance after --
7 I'm sorry. Strike that.

8 I thought you had testified that
9 you didn't submit any copouts after June 12th, but
10 if I remember incorrectly, please tell me what
11 copouts you submitted after June 12th of 2002 for
12 medical care.

13 A. All right. Let me -- let me think back
14 on it.

15 MR. MATTHEWS: Can I make a
16 suggestion? It may just be dates that we are
17 getting confused over. Ask your questions,
18 obviously, but -- do you remember specifically the
19 dates you submitted them?

20 THE WITNESS: No. No.

21 MR. MATTHEWS: Have you already
22 discussed the copouts that you did submit?

23 THE WITNESS: The ones that I know
24 of right there in front of me, but there's a couple
25 copouts there that I know I filed, but I don't see